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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,336	11/04/2003	John-Paul Francis Cherry	JPC001C1	4922
52936	7590	09/06/2005	EXAMINER	
JOHN-PAUL F. CHERRY 3203 OAK BOUGH LN. MISSOURI CITY, TX 77459-4655			VAN, QUANG T	
			ART UNIT	PAPER NUMBER
			3742	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/701,336

Applicant(s)

CHERRY, JOHN-PAUL FRANCIS

Examiner

Quang T. Van

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-10,12-19 and 21-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-19,21-28,31-43,50,55-62 and 66-71 is/are allowed.
- 6) ☒ Claim(s) 1-3,5-10,12-14,29,30,44-49,51-54 and 63-65 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/15/05</u> . | 6) <input type="checkbox"/> Other: _____  |

***Withdrawal of the Finality***

1. The last Office Action has been reconsidered. Therefore, the finality of the rejection of the last Office action is withdrawn.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 1-3, 5, 7-10, 12, 14, 29-36, 44-47, 51-54, 63-65 are rejected under 35 U.S.C. 102(a) as being anticipated by Kitamura (JP 2000082580A). Kitamura discloses a cleaner comprising an enclosure (10) disposed at least partially around a cleaning article (20) for effecting cleaning process, wherein the enclosure is deformable (see abstract, solution, lines 3-11); a cleaning solution comprising a surfactant (Translation, paragraph 0021) and compatible with food preparation is in fluid communication with the interior of the microwave oven after the enclosure is deformed (Translation, paragraph 0017).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6, 13, and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura (JP 2000082580A) in view of Ueki (JP10314092A).

Kitamura discloses substantially all features of the claimed invention except the at least one component is a surfactant with a concentration in a range from about 0.5% to about 50%. Ueki discloses at least one component is a surfactant with a concentration in a range from about 0.5% to about 50% (Translation, paragraph 0015). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize in Kitamura at least one component is a surfactant with a concentration in a range from about 0.5% to about 50% as taught by Ueki in order to provide the heighten a cleaning effect. With regard to claim 16, the second time period is about 5 minutes. Kitamura and Ueki do not disclose the second time period is about 5 minutes. It would have been obvious to one having ordinary skill in the art to determine the period and the second period are each about 5 minutes. Since determining how long the period and the second is depending on each of cleaning process, which is suitable to the users.

6. Claims 15-19, 21-28, 31-43, 50, 55-62 and 66-71 are allowed.

#### ***Response to Amendment***

7. Applicant's arguments filed 5/09/2005 have been fully considered but they are not persuasive.

Applicant filed Declaration under 37 C.F.R. § 1.131 with the Exhibit A filed prior to March 21, 2000. The Exhibit A describes apparatuses and processes for cleaning the interior of a microwave oven. The apparatus and processes were conceived and reduced to practice prior to March 21, 2000. The Exhibit B also describes apparatuses

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and processes for cleaning the interior of a microwave oven. The Exhibit A and B have been considered but, however, did not overcome the rejections because the Exhibit A and B did not disclose the enclosure is deformed when heated. Since the Exhibit A and B does not provide support for the deformed enclosure when heated, thus, all the claims, relate to the enclosure is deformed when heated in microwave oven, do not overcome the rejection of Kitamura (JP 2000082580A) and Ueki (JP 10314092A).

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang T. Van whose telephone number is 571-272-4789. The examiner can normally be reached on 8:00Am 7:00Pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



QV  
August 25, 2005



Quang T Van  
Primary Examiner  
Art Unit 3742